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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 DOCK COLEMAN,

9 Plaintiff,

10 v.

11 HORSESHOE CASINO,

12 Defendant.
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Case No. 2:12-CV-00908-KJD-PAL

ORDER

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15 Presently before the Court is Defendant's Motion to Dismiss (#11). Though the time for
16 doing so has passed, Plaintiff has failed to file a response in opposition. Having read and considered
17 the motion and good cause being found, and in accordance with Local Rule 7-2(d), the Court grants
18 the motion. The summons served was clearly not prepared by the Clerk of the Court as required by
19 Federal Rule of Civil Procedure 4(b). Furthermore, Plaintiff failed to serve a copy of the complaint
20 with the summons. Finally, giving Plaintiff an extension of time to do so would be futile, since he
21 failed to respond to Defendant's motion.

22 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (#11) is
23 **GRANTED ;**

24 IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED without prejudice**
25 in accordance with Rule 4(m)
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1 IT IS FURTHER ORDERED that Defendant's Motion to Extend Time (#10) is **GRANTED**
2 **nunc pro tunc.**

3 DATED this 11th day of December 2012.
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7 Kent J. Dawson
8 United States District Judge
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